

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND-ODESSA DIVISION**

**YUSMANY DITA GONZALES**  
Complainant

VS.

**PAOLA TERRIE ANDERSON AND  
JONES LOGISTICS, LLC,**  
Defendants

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**CIVIL ACTION NO. 7:20-CV-00153**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT**

COMES NOW, Complainant YUSMANY DITA GONZALES and files this Original Complaint against Defendants PAOLA TERRIE ANDERSON (hereinafter referred to as “ANDERSON”) and JONES LOGISTICS, LLC (hereinafter referred to as “JONES LOGISTICS”) and alleges as follows:

**1.0 Introduction**

1.1 This cause of action is against Defendant ANDERSON for her negligence while driving, resulting in a collision with Complainant YUSMANY DITA GONZALES’ vehicle on May 14, 2018. Defendant ANDERSON’s negligence proximately caused Complainant YUSMANY DITA GONZALES to suffer serious bodily injuries on or about July 6, 2018, at or about 3:45 pm, in Ector County, Texas.

1.2 Throughout the entirety of the events, actions, and omissions leading to the collision that forms the basis of this litigation, Defendant ANDERSON acted within the course and scope of her employment with Defendant JONES LOGISTICS. Thus, cause of action is brought against Defendant JONES LOGISTICS under the doctrine of *respondeat Superior*. Defendant JONES LOGISTICS is vicariously liable for all damages resulting from the actions of Defendant ANDERSON.

## **2.0 Parties**

2.1 Complainant, YUSMANY DITA GONZALES, is a resident of Round Rock, Williamson County, Texas.

2.2 Defendant PAOLA TERRIE ANDERSON is a resident of Oklahoma and may be served by personal service at her residence, 184620 North 184620 Road, Finley, Oklahoma 74543, or wherever she may be found.

2.3 Defendant JONES LOGISTICS, LLC is a Mississippi Limited Liability Company with its principal place of business in Indianapolis, Indiana, and may be served by serving its registered agent for service, Chad Hall, at 1812 Avenue J, Galena Park, Texas 77547 or any other place he may be found.

## **3.0 Jurisdiction**

3.1 This Court has original jurisdiction pursuant to 28 U.S.C. § 1332.

3.2 Complainant is a resident of Texas. Defendant PAOLA TERRIE ANDERSON is a resident of Oklahoma. Defendant JONES LOGISTICS, LLC is a Mississippi Company with its principal place of business in Indiana. Thus, there is complete diversity of citizenship between Complainant and Defendants.

3.3 The amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00.

## **4.0 Venue**

4.1 The United State District Court, Western District of Texas, Midland-Odessa Division, maintains jurisdiction over the following Texas counties: Andrews, Crane, Ector, Martin, Midland and Upton.

4.2 Venue of this suite is proper in the Western District of Texas, Midland-Odessa Division, pursuant to 28 .S.C. § 1391(b)(2), because a substantial part of the events giving rise to the

claim made the basis of this Original Complaint occurred in Ector County, Texas, which lies in the Midland-Odessa Division of the Western District of Texas.

## **5.0 Facts**

5.1 On or about July 6, 2018, at or about 3:45 pm, Complainant was traveling eastbound on FM 1787, approaching the intersection of SCR 1240 and FM 1787. According to the investigating police officer, Defendant ANDERSON was traveling westbound on FM 1787 and turned right onto SCR 1240. Resulting in the injuries and damages to Plaintiff as hereinafter more fully set forth. The investigating officer pinned the blame for the collision on Defendant.

5.2 Complainant's precaution would normally prevent the collision giving rise to this suit. However, Defendant ANDERSON, driving a semi-truck and trailer owned by Defendant JONES LOGISTICS, turned too widely, and though Complainant attempted to perform evasive maneuvers, the rear of Defendant's vehicle collided with Plaintiff's vehicle. As a direct result of Defendant ANDERSON's negligence, he collided with Complainant's vehicle.

5.3 This collision caused severe damage to Complainant's vehicle and debilitating injury to Complainant, including disc desiccation in his spine, injury to his second metacarpal in his left hand, and disc protrusions and a possible occult fracture in his neck. Complainant's pain prevented significantly hindered his job performance and resulted in him missing significant time from work.

## **6.0 Cause of Action**

### **NEGLIGENCE**

6.1 Defendant ANDERSON owed a duty to her fellow motorist, Complainant, to exercise ordinary care while operating the tractor-trailer in which she traveled.

6.2 Defendant ANDERSON breached her duty to exercise ordinary care. Investigation into the collision revealed that she caused the collision. This only happened because she drove unsafely. She either knew or should have known that turning unsafely unreasonably endangered

everyone with whom she shared the road, including Complainant. It is foreseeable that turning unsafely in front of other drivers, especially while operating a semi-truck, carries an unreasonable risk of harm to other motorists.

6.3 Defendant ANDERSON's negligence proximately caused Complainant to suffer serious bodily injuries and damages as set forth herein.

### **VICARIOUS LIABILITY**

6.4 Defendant JONES LOGISTICS, LLC is vicariously liable as a matter of law, for any and all negligence of their employees, pursuant to the doctrine of *respondeat superior* under Texas law.

### **7.0 Damages**

7.1 As a result of Defendant CANNON's negligence, Complainant YUSMANY DITA GONZALES suffered the following damages:

- a. Medical expenses in the past;
- b. Medical expenses, that in reasonable probability, he will suffer in the future;
- c. Physical impairment in the past;
- d. Physical impairment, that in reasonable probability, he will suffer in the future;
- e. Pain and suffering in the past;
- f. Pain and suffering, that in reasonable probability, he will suffer in the future;
- g. Mental anguish in the past;
- h. Mental anguish, that in reasonable probability, he will suffer in the future;
- i. Physical disfigurement in the past; and
- j. Physical disfigurement, that in reasonable probability, he will suffer in the future;

### **8.0 Jury Trial**

8.1 Complainant hereby requests a trial by jury, pursuant to the 7th Amendment of the United States Constitution.

**9.0 Prayer**

9.1 WHEREFORE, PREMISES CONSIDERED, Complainant respectfully requests that Defendant be served with summons and after a jury trial herein, Complainant have and recover against Defendant the following relief:

- a. Judgment against Defendant for all of Complainant's actual damages as determined by the evidence;
- b. Pre-judgment and post-judgment interest as provided by law;
- c. Costs of court as provided by law;
- d. Such other relief to which Complainant may be entitled.

Respectfully submitted,  
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